

JUDICIAL COUNCIL OF CALIFORNIA
OFFICE OF GOVERNMENTAL AFFAIRS

2003

LEGISLATIVE
POLICY GUIDELINES

HISTORICAL SUMMARY OF
LEGISLATIVE ACTIVITY

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JUDICIAL COUNCIL OFFICE OF GOVERNMENTAL AFFAIRS

HISTORICAL SUMMARY OF LEGISLATIVE ACTION

DECEMBER 2003

The Judicial Council's Office of Governmental Affairs monitors legislative activity and represents the council before the Legislature, the Governor's Office, and executive branch agencies. The following summary of council action sets forth concise council policy guidelines regarding court-related legislative proposals. The policy guidelines are organized by topic and further the objectives of the six Judicial Council Strategic Plan goals. The table that follows each policy guideline shows actions taken on legislation that illustrate the policy.

When viewing the document electronically, hyperlinks can be used to view text of the bill. This document is updated annually, and shows the last eight years of activity.

GENERAL PRINCIPLES

The Judicial Council supports the integrity and independence of the judicial branch and seeks to ensure that judicial procedures enhance efficiency and access to the courts. The council generally takes no position on bills involving substantive law unless matters of court administration are likely to be affected. The council may take a position on an apparent issue of substantive law if issues of procedure and substance are so inextricably intertwined that they directly affect court administration or judicial discretion or negatively affect existing judicial services by imposing unrealistic burdens on the system.

LEGISLATIVE ACTIVITY

I. COURT OPERATIONS**A. COURT STRUCTURE**

The council supports a structure of general jurisdiction to increase court efficiency and flexibility in the use of judicial resources. To the extent that specialty calendars (e.g., drug courts, dependency drug courts, domestic violence courts, etc.) are established in the trial courts, the council supports evaluation and development of best practices.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SCA 31	Kopp	1998	Oppose	Restructure Supreme Court to form separate 7-member criminal and civil Supreme Courts with CJ serving as administrator.	IV	Costly and inefficient
SCA 4	Lockyer	1996	Support	Constitutional amendment to permit voluntary unification of the trial courts.	III, IV	Enhances flexibility
AB 848	Isenberg	1995	Sponsor	Trial court coordination.	III, IV	

B. COURT FUNDING

The council supports funding of the courts at a level that will ensure an adequate and stable source of necessary resources. The council generally opposes funding the courts by fees or fines, but departs from this general position in certain circumstances.

1. Budget

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 324	Florez	2003	Oppose unless amended	Forgives non-remittance of revenues by Tulare County to the Trial Court Trust Fund.	III	Seeking amendments to include a General Fund appropriation. Two-year bill.
SB 1343	Torlakson	2002	Neutral	Forgives retroactive repayment of MOE amounts to the Trial Court Trust Fund.	II	
SB 1396	Dunn	2002	Support	Clarifies allowable and unallowable costs for court security.	II, III	
SB 1153	Johannessen	2001	Oppose	Provides that costs related to court security in counties with a population of less than 103,000 shall be paid by the state.	IV	
AB 2459	Wiggins	2000	No Position	Requires the council to adopt rules to provide for public access to budget allocation and expenditure	II	

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

Goal I – Access, Fairness, and Diversity

Goal II – Independence and Accountability

Goal III – Modernization of Management and Administration

Goal IV – Quality of Justice and Service to the Public

Goal V – Education

Goal VI – Technology

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				information.		
AB 233	Dickerson	1999	Oppose	Expands definition of court operations to include costs associated with security personnel services.	IV	
AB 508	Leonard	1999	Oppose	Reduces San Bernardino MOE.	IV	
AB 233	Escutia	1997	Support	Trial Court Funding Act.	IV	

2. Fees, fines, penalties

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 934	Reyes	2003	Oppose	Adds a \$25 filing fee for deposit in the Child Abduction Prevention Fund established in the office of the district attorney in Fresno County.	II	
SB 940	Escutia	2003	Sponsor	Requires the Judicial Council to adopt guidelines for a comprehensive collection program, establish a collaborative court-county working group on collections, and report on the effectiveness of collection programs.	II, III	
AB 1819	Robert Pacheco	2002	Support	Removes the \$100 minimum requirement to identify and collect delinquent fines and forfeitures with or without a warrant and provides that any county or court may establish a minimum base fine or forfeiture amount for inclusion in the program.	II	
SB 1969	Machado	2002	Oppose	Requires the court to collect fees charged by the DMV for certificates of completion issued by traffic violator schools.	II	
AB 2690	Cardoza	2002	Oppose	Requires each court to submit to the Bureau of State audits an annual financial statement showing outstanding delinquent fines.	II, III	
AB 177	Papan	1999	No position	Filing fees: children's waiting rooms.	IV	
AB 735	Ortiz	1997	No position	Small claims fees for law libraries.	IV	
AB 1191	Shelley	1997	Oppose	Red light violation-tracking specific traffic fines for special distribution.	III	

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C. COURT FACILITIES

The council seeks ways to fund necessary courthouse construction projects on a statewide basis.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 688	Nakanishi	2003	Oppose	AB 688 requires that the Amador County courthouse and hospital transfer to the state on January 1, 2004, and relieves Amador County of its responsibility to provide court facilities pursuant to SB 1732 (Escutia), Stats. 2002, ch. 1082.	IV	April 28, 2003 amendments provide that in establishing the recommended priorities for funding of projects under the California Court Facilities Construction and Renovation Bond Act of 2004, the Judicial Council shall consider all relevant factors bearing on the priority of each proposed project, including a proposal for matching funds. Council opposition withdrawn.
SB 655	Escutia	2003	Sponsor	Authorizes the issuance of bonds, the proceeds of which would be deposited in the State Court Facilities Construction Fund.	III, IV	
SB 1732	Escutia	2002	Support	Establishes a process for the transfer of responsibility for court facilities from the counties to the state.	I, IV	
AB 30	Baca	1998	No position	Authorizes “carve-out” of filing fees to fund construction in San Bernardino County.	IV	Does not address construction needs on a statewide basis

D. COURT MANAGEMENT

1. Personnel issues – The council seeks to maintain the ability of the judicial branch to manage relationships between courts and court employees and independent contractors such as court reporters and court interpreters.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 782	Kehoe	2003	Oppose unless amended	Grants to the Public Employment Relations Board authority to process claims involving violations of statutes or rules relating to employment relations between trial courts and recognized employee organizations.	II, III	
SB 371	Escutia	2002	Support	Establishes the Trial Court Interpreter Employment and Labor Relations Act, providing for the employment and compensation of certified and registered trial court interpreters.	II, III	
SB 2011	Burton	2002	Support	Establishes the Workers’ Compensation Fund. Allows the courts to be uninsured for workers’ compensation in the same way the state, as an	III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				employer is uninsured.		
AB 1571	Shelley	2001	Oppose	Eliminates the statutory “at pleasure” status of the Supreme Court and Court of Appeal employees.	II	
SB 2140	Burton	2000	Support	Establishes the trial court as the employer of court employees.	III	
AB 107	Ducheny	1997	Support	Establishes in Budget Item 0450 (Trial Court Funding) a statewide budget for court interpreters and requires the Judicial Council to adopt rules for statewide payment rates, policies, and procedures.	I, IV	

2. Court records – The council supports efforts to streamline trial court records management.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1783	Setencich	1995	Oppose	Court records by judges’ names.	II	

3. Management and administration – The council closely examines the fiscal and resource implications of any legislative proposal that places additional responsibilities on court administration. When appropriate, the council informs the Legislature of the need for additional resources to carry out new legislatively imposed responsibilities, or seeks to improve the efficiency of the new procedure.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 3036	Corbett	2002	Oppose unless funded	Increases the accountability of guardians by assisting courts in overseeing guardianship cases and helps ensure proper care and treatment for wards.	II, III	
SB 1361	Brulte	2002	Oppose	Provides that in Riverside and in San Bernardino counties, the chief probation officer shall be appointed and removed for good cause by a majority of the respective Boards of Supervisors.	II	
AB 1421	Thomson	2001	Oppose unless funded	Authorizes new involuntary outpatient treatment scheme for certain mentally ill persons. Sets forth new court duties for implementing this program.	III	
SB 927	Escutia	2001	Oppose unless funded	Requires that a certified or registered court interpreter be provided at court expense in any family law proceeding that involves allegations of domestic violence.	I, III	
AB 380	Pacheco	1997	Neutral	Directs the Judicial Council to adopt a rule regarding notice to the AG if statute or regulation declared unconstitutional.	II	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1199	Alby	1997	Neutral	Authorizes CCP section 170.6 motion to disqualify judge following reversal on appeal notwithstanding previous motion.	II	

E. COURT HOURS

The council seeks to maintain adequate access to the courts.

	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1641	Keene	2003	Sponsor	Improves procedures authorizing the Chief Justice to issue orders during an emergency.	I, II, IV	

II. THE JUDICIARY

A. JUDGESHIPS

The council is committed to ensuring adequate judicial resources in the courts. The council advocates creation of additional trial and appellate court judgeships in order of most severe need, and pursuant to an orderly statewide review.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1818	Baca	1996	Sponsor	Creation of additional trial court and appellate judgeships.	II, IV	
AB 737	Hauser	1995	Oppose	Eliminating two judicial positions from Mendocino County.	II, IV	Bill failed to consider statewide needs
SB 874	Calderon	1995	Sponsor	Creation of additional trial court and appellate judgeships.	II, IV	

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B. JUDICIAL SERVICES

To ensure the ability to attract and retain highly qualified judges, the council supports appropriate increases to judicial salaries, and an adequate, fully funded retirement plan for judges. The council also seeks ways to improve the administration of justice in areas related to judicial retention, including (1) benefits, wellness subsidies, professional development allowances, personal leave, and supplemental life, disability, or liability insurance; (2) health care benefits, including services and programs; (3) compensation and retirement; (4) "quality of judicial life" resources and programs; (5) mentorship programs; and (6) special needs of and programs for new and retired judges.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY		NOTES
AB 2065	Nakano	2002	Co-sponsor	Extends to retired judges and court commissioners the confidentiality of home addresses in DMV records.	IV	
AB 2688	Alquist	2002	Support	Establishes a burial benefit in the amount of \$7,500, subject to cost-of-living increases, for all active and retired judges.	IV	
AB 2879	Strom Martin	2002	Co-Sponsor	Makes various improvements to the judicial retirement system.	IV	
SB 82	Burton	2001	Sponsor	Increases judicial salaries of justices and judges.	IV	
SB 1529	Lockyer	1998	Support	Increases judicial salaries.	II, IV	
SB 2163	Hughes	1998	Sponsor	Elimination of the age-based reduction in retirement benefits.	II, IV	

C. SELECTION AND ELECTION OF JUDGES

The council seeks to avoid politicizing the election process, and supports a process that is fair and clear to candidates and informative to voters.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY		NOTES
ACA 1	Nation	2001	Oppose	Eliminates elections to fill judicial vacancies, providing instead that the governor shall fill vacancies. Provides that all judges appear on the ballot uncontested, with the question presented whether the candidate shall be elected.	II, III	
AB 1936	Rainey	1996	Support	Clarifies the process of selecting appellate justices.	II, IV	

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D. COMMISSIONERS, REFEREES, AND TEMPORARY JUDGES

The council supports clarification of the status, powers, and duties of commissioners, referees and hearing officers.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY		NOTES
AB 1698	Assembly Judiciary Committee	2002	Sponsor	Permits the conversion of eligible subordinate judicial officer positions to judgeships.	IV	
AB 1285	Frusetta	1997	Oppose	Requires juvenile court documents in proceedings heard by a subordinate judicial officer to bear name of presiding judges.	II	
SCA 19	Leslie	1995	Support	Gives the Commission on Judicial Performance discretionary jurisdiction over court commissioners.	II	

III. PROCEDURAL LAW**A. CIVIL PROCEDURE**

The council supports measures that reduce delay and make court operations more efficient. The council seeks to protect the exercise of judicial discretion in matters of civil litigation. The council generally supports judicial arbitration and other alternative dispute resolution (ADR) programs and procedures that are likely to assist in the equitable disposition of cases, but advocates limiting the use of court-ordered discovery references to exceptional circumstances.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 2321	Hertzberg	2002	Sponsor	Clarifies the process whereby tort claims are filed against judicial branch entities.	III	
AB 2961	Wayne	2002	Oppose	As introduced: Authorizes a motion for summary adjudication of a legal issue or claim of damages other than punitive damages that does not completely dispose of a cause of action, an affirmative defense, or an issue of duty, if brought upon stipulation of the parties whose claims or defenses are put at issue by the motion.	II	
AB 3027	Assembly Judiciary Committee	2002	Sponsor	As introduced: Makes various improvements to civil procedure.	III	
AB 329	Jackson	2001	Oppose	Requires random reassignment to a different judge after a 170.6 disqualification.	II	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 476	Escutia	2001	Neutral but seek amendments clarifying appellate review provisions	Makes a number of changes to the law of summary judgment and summary adjudication at both the trial and appellate levels.	II, III	
AB 1950	Torlakson	1998	Support	Encourages use of ADR in constructive defect cases.	I, III	
SB 119	Kopp	1997	Oppose	Permits litigants to challenge a judge without cause on a civil case.		
SB 544	Maddy	1997	Oppose unless amended	Limits availability of deposition transcripts.	III	
AB 1374	Hertzberg	1997	Sponsor	Continues operation of mediation pilot projects.	III	
SB 19	Lockyer	1997	Support	Provides an arbitrator with immunity from civil liability.	I, III	
SB 197	Kopp	1995	Sponsor	Strengthens the Trial Court Delay Reduction Act.	I, III	

1. Small claims – The council advocates a small claims court system that provides a speedy, fair, and inexpensive alternative for resolving conflicts of low monetary value. The council supports adequate funding for small claims human resources in all counties.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 246	Lempert	1997	Support	Raises monetary jurisdiction of small claims court to \$7,500.	I	
SB 1342	Lockyer	1997	Oppose	Establishes small claims court for auto accident cases.	I	Would disrupt small claims system and those who use it

2. Unlawful detainer – The council supports efforts to reduce delays and abuses in unlawful detainer actions, and seeks to ensure that processes are not overly burdensome to the courts.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 345	Kuehl	2003	Oppose unless amended	Denies access to unlawful detainer records until 60 days following the date final judgment has been entered in favor of the landlord after a trial or summary judgment motion.	III	July 10, 2003 amendments simplify administrative record keeping requirements. Council opposition withdrawn.
AB 474	Murray	1997	Oppose	Five-day hearing requirement.	III	

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B. CRIMINAL PROCEDURE

1. Criminal and capital case processing – The council seeks to expedite the resolution of criminal cases at the trial and appellate level. The council seeks to maintain the courts' ability to efficiently and effectively manage the procedures and administration of the court system while improving the delivery of justice to the public, and to protect the exercise of the judicial discretion in criminal cases.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 155	Kehoe	2003	Oppose	Provides that pending forensic DNA analysis results and reports is good cause for a continuance in a homicide or forcible sex case.	II	
AB 865	Matthews	2003	No position	Juror misconduct instruction in criminal cases.	II	
AB 1306	Leno	2003	Sponsor	Provides that if a person is sentenced pursuant (Proposition 36), probation jurisdiction shall be transferred to the defendant's county of permanent residence at the discretion of the sentencing judge.	III, IV	
AB 1435	Koretz	2003	No position	Authorizes a court in a criminal case to order a party who has violated discovery disclosure requirements or any lawful court order to pay a monetary sanction.	II	Judges believe bill is unnecessary. Already have this authority.
AB 1653	Mullin	2003	Oppose	Allows an attorney for a party to a criminal proceeding to appeal a sanction order or finding of contempt against him or her to the court authorized to hear an appeal of the judgment in the main action. Requires the court to stay the execution of the order or imposition of punishment pending appeal.	II	
SB 131	Sher	2003	Support	Reclassifies as an infraction the possession of small amounts of marijuana.	III	
SB 599	Perata	2003	Oppose unless amended	Allows the court to seal records when a person completes any drug diversion program.	III, IV	April 30, 2003 amendments narrow sealing provision to apply only to existing drug court and deferred entry of judgment programs, and to eliminate program expansion provisions. Opposition withdrawn.
SB 718	Dunn	2003	Support if amended	Limits the evidentiary hearing concerning a motion alleging unlawful search or seizure to the law enforcement or other governmental conduct that has been precisely identified in the defendant's motion.	II	Seeking amendments to clarify that the motion must describe the "challenged conduct" rather than "precise conduct."
SB 761	McPherson	2003	Oppose unless amended	Prohibits accepting an undertaking of bail if any summary judgment entered against an undertaking issued by the bail agent or agency remains unpaid.	II, III	April 30, 2003 amendments eliminate requirement that the court determine solvency of bail agency. Opposition withdrawn.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 2159	Cardoza	2002	Oppose unless amended	Requires courts, after arraignment, upon conviction, and when a judgment has been pronounced, to determine if a defendant has custody of any child under the age of 18 years, and inquire as to the proper care of that child if the defendant is in custody or remanded to custody.	II	
AB 2211	Horton	2002	Oppose	Provides that a representative of the community affected by a crime may submit a Community Impact Statement.	II	
AB 2563	Vargas	2002	Oppose	Requires the agency discharging a person who posts bail on charges on domestic violence to serve that person with a protective order, without court involvement but enforceable as a court order.	II	
AB 241	Dickerson	2001	Oppose	Prohibits the court from striking prior convictions in DUI cases.	II	
AB 299	Rod Pacheco	2001	Support	Grants a court-exercising jurisdiction over multiple offenses involving criminal sexual acts and stalking that occurred in more than one jurisdictional territory jurisdiction over properly joinable offenses.	II	
SB 1342	Burton	2000	Support	Creates procedures for post-conviction DNA testing of certain defendants.	I, III	
AB 1897	Davis	2000	Support	Creates procedural remedies for victims of identity theft.	I, III	
AB 342	Bowen	1997	No position	Eliminates <i>Wende</i> review in appellate cases.	III, IV	Potential efficiencies overstated; potentially unconstitutional; outside council purview
SB 469	Rainey	1997	<u>Support in concept</u>	Allows serial murder cases to be heard in one county.	I, III	
SB 513	Lockyer Pacheco	1997	Support	Creates California Habeas Corpus Resource Center.	I, III	
AB 1471	Pacheco	1997	Support	Augments funding of the Office of State Public Defender and increasing compensation rate for private counsel.	I, III	
AB 195	Morrow	1996	Support	Establishes time limits on record certification in automatic Appeals.	I, III	
AB 2254	Cunneen	1996	Support	Clarifies speedy trial provisions.	I, III	
AB 848	Isenberg	1995	Sponsor	Allows court to transfer last-day criminal case to adjoining district.	I, III	

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2. Sentencing and other judicial decision-making – The council seeks to preserve judicial discretion and the independence of the judicial function in sentencing matters. The council does not take positions on the length or severity of sentences for crimes, but supports efforts to simplify the criminal sentencing structure.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY		NOTES
AB 623	Lieber	2003	No position	Requires the judge in a toxics case to consider whether the defendant has expressed remorse for the acts and whether the defendant has made an appropriate public apology that reflects that nature of the violation and the number of potential victims.	II	
SB 1497	Polanco	2002	Oppose	Sets up a one-time review of the custody status of life prisoners who have been in prison beyond a date specified in certain regulatory matrices.	II	
SB 670	Vasconcellos	1997	Support	Creates California Sentencing Commission.	II	
SB 721	Lockyer	1997	Support	Eliminates restrictions on imposition of enhancements.	II	
AB 819	Battin	1997	Oppose	Eliminates discretion to strike priors and reduce wobblers to misdemeanors in three-strikes cases.	II	
AB 2057	K.Murray	1996	Oppose	Imposes mandatory sanctions for violation of criminal discovery provisions.	II	
AB 2145	Goldsmith	1996	Oppose	Imposes mandatory change of venue criteria.	II	
AB 2010	Goldsmith	1996	Support	Sets forth comprehensive sentencing reform.	II	
SB 166	Polanco	1995	Support	Creates California Sentencing Commission.	II	
AB 1736	Harvey	1995	Oppose	Imposes limits on appointment of retired judge in criminal cases.	II	Interferes with Chief Justice plenary powers.

C. TRAFFIC LAW

The council advocates use of simplified procedures in minor traffic cases to guarantee expedited disposition. The council supports development of statewide uniform rules, procedures, and forms to provide efficient handling of traffic cases.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 1813	Kopp	1998	Support	Establishes procedure for trials by written declaration.	I, III	Simplifies procedures

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D. GRAND JURIES

The council seeks to maintain the efficiency, integrity and independence of the grand jury.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 829	Thomson	1997	Neutral	Requires court to ensure adequate grand jury training.	II	

E. JURIES

The council supports efforts to ensure adequate numbers of jurors, achieve full use of jurors once they are summoned, ensure fair representation of the community served by the court, and provide adequate compensation of jurors.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 270	Bates	2003	Oppose	Creates categorical jury exemption.	III, IV	
AB 513	Matthews	2003	Neutral	Requires the Judicial Council to adopt a rule of court by January 1, 2005 establishing procedures for jury service to give scheduling accommodations to parole, probation, and correctional officers.	III, IV	
AB 1180	Harman	2003	Sponsor	Clarifies that when a person is summoned but fails to appear for jury service the court may impose reasonable monetary sanctions on the prospective juror following an order to show cause hearing.	III	
AB 1970	Matthews	2002	Oppose	Exempts parole, probation, and correctional officers from jury service.	I, II, III	
AB 2925	Migden	2002	Support	Eliminates reimbursement for the first day of travel to the court for jury duty; increases reimbursement rate for second and subsequent days from 15 cents to 34 cents per mile, one way.	IV	
AB 1660	McLeod	2001	Oppose	Exempts person who serves as a pollworker from jury service for a period of one year following the date of the election at which the pollworker serves.	I, II, III	
SB 1947	Lockyer	1998	Support	Directs the Judicial Council to promulgate rules for one-day or one-trial jury system.	III	
ACR 118	Morrow	1998	Support	Establishes juror appreciation week.	III, IV	
AB 2551	Migden	1998	Support	Provides \$15 juror per diem beginning second day of service.	III, IV	
AB 2608	Wildman	1998	Oppose	Creates categorical jury exemptions.	III, IV	
SB 1690	Rainey	1998	Oppose	Creates categorical jury exemptions.	III, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 316	Morrissey	1997	Oppose	Creates categorical jury exemptions.	III, IV	
AB 2693	W. Murray	1996	Oppose	Creates categorical jury exemptions.	III, IV	
AB 1214	Hughes	1995	Oppose	Creates categorical jury exemptions.	III, IV	
AB 890	Rogan	1995	Oppose	Creates categorical jury exemptions.	III, IV	
AB 550	Migden	1997	Oppose	Gives attorneys the right to conduct voir dire in criminal cases.	III, IV	
SB 56	Beverly	1995	Support	Requires eight-person municipal court civil jury.	III, IV	

F. APPELLATE PROCEDURE

The council supports fair, effective, and efficient procedures for resolution of appellate cases.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 653	Calderon	1997	Neutral as amended	Provides discretionary appellate review in PUC decisions.	III	
SB 1322	Calderon	1995	Neutral as amended	Provides discretionary appellate review in PUC decisions.	III	

G. INTERPRETERS

To ensure access to justice, the council seeks to attract quality interpreters and meet the courts caseload demands. The council supports increased compensation and standardized payment practices and procedure for court interpreters.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1884	Cedillo	1998	Oppose, but support if amended	Establishes pilot project for use of interpreters in domestic violence and child custody proceedings.	I, III	

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IV. SUBSTANTIVE LAW

A. JUVENILE DELINQUENCY

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 2496	Steinberg	2002	Oppose unless amended to enhance probation accountability in a more efficient way	In delinquency cases, requires that the minor, the minor's counsel, and a probation officer personally appear before the court during each periodic review of the minor's detention.	II, III	
AB 432	Baldwin	1997	Oppose unless amended	Allows juvenile court officer rather than traffic hearing officer to hear marijuana possession cases.	III	
AB 1105	Hertzberg	1997	Support	Establishes pilot program for cite and release of low-level juvenile offenders.	III, IV	

B. JUVENILE DEPENDENCY

The council supports timely and expeditious determinations in dependency matters, as well as measures to enhance the available placement option for dependent wards. The council supports efforts to clarify the procedures whereby a child may be declared a dependent of the court. The council also supports maintaining judicial discretion to terminate dependency.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 524	Haynes	2003	Oppose	Requires that a child who has been removed from his or her parents' custody be returned within five working days in certain circumstances.	III	March 26, 2003 amendments eliminated provisions related to criminal proceedings. Council opposition withdrawn.
SB 59	Escutia	2003	No position, but seek amendments	Provides expedited appellate review of disputed placement orders in juvenile dependency cases.	III	June 11, 2003 amendments conform the writ process to the one established in Welfare and Institutions Code section 366.26(1).
AB 2336	Negrete McLeod	2002	Support	Requires that orders for the temporary removal of a prisoner to attend a hearing pertaining to parental rights must be issued at least 12 days before it is to be executed.	I, IV	
AB 2160	Schiff	2000	Sponsor	Creates a presumption that children in dependency proceedings would benefit from the appointment of counsel.	I, IV	
AB 2310	Wright	1998	Support	Expedites adoptions by strengthening the authority of the court to terminate parental rights in	II, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				appropriate circumstances.		
AB 1988	Kuehl	1998	Support	Provides a right of access to court hearings and files pertaining to a foster child for the foster parent	I, IV	
SB 1901	McPherson	1998	Support	Provides the option of appointing a relative caregiver as a guardian of a dependent child.	II, IV	
AB 329	Caldera	1997	Support	Provides for expedited appeals in dependency cases.	IV	
AB 1544	Aroner	1997	Support	Creates process to facilitate adoption agreements between relatives adopting a dependent child and that child's biological parent(s).	IV	

C. FAMILY LAW

The council supports legislation consistent with its goal of increasing access to the courts. The council supports efforts to provide adequate assistance to pro per litigants in family law cases, as well as litigants who face language barriers. The council seeks to maintain judicial discretion to make family law decisions based on the best interest of the child. The council also seeks to clarify the process the court should follow and the factors the court can appropriately consider in family law cases.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1108	Bermudez	2003	No position	Authorizes the court in a child custody proceeding to order a parent to undergo drug testing.	II, IV	Seeking clarifying amendments.
SB 734	Ortiz	2003	Oppose	Restricts a courts discretion to grant visitation.	II	
AB 1920	Jackson	2000	Support if funded	Requires the JC to develop a fact sheet addressing the specific rights and obligations of married people to be offered by the county clerk with every marriage license.	IV	
AB 2207	Escutia	1998	Support	Establishes three pilot Family Law Information Centers to provide information and services to low-income, unrepresented parties in family law matters.	I, IV	
AB 1884	Cedillo	1998	Support if funded	Creates pilot program to provide interpreters in specified family law proceedings.	I, IV	
AB 1526	Escutia	1997	Sponsor	Clarifies role of minor's counsel in family law cases.	I, IV	
SB 174	Kuehl	2002	No position	Requires the Judicial Council to select four non-confidential mediation courts to implement a model	II, III, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				with initial confidential mediation, with the allowance for subsequent recommending mediation if performed by a different mediator. Implementation contingent on funding.		
SB 1406	Kuehl	2002	Oppose unless amended	Requires that all child custody mediation be confidential, and prohibits the mediator from communicating with the court on any matter.	II, III, IV	
SB 1791	Rainey	2000	Oppose	Shifts responsibility for hearing Title IV-D related child support actions to DSS administrative law judges.	II, IV	
AB 840	Kuehl	1999	Oppose	Creates a rebuttable presumption in child custody matters that award of custody to a person found to have perpetrated domestic violence is detrimental to the best interests of the child.	II	
SB 433	Johnson	1999	Support if funded	Requires the Judicial Council to adopt a Rule of Court establishing education, training, and licensure requirements for child custody evaluators.	I, II, IV	
AB 2093	Morrissey	1998	Oppose	Transfers responsibility for the enforcement of child support obligations from the courts to the state Department of Social Services.	II, IV	
AB 200	Kuehl	1997	Support	Requires the court to state its reasons when awarding custody to a party alleged to have committed domestic violence or have a substance abuse problem.	II	
SB 935	Burton	1997	Oppose	Allows the court to reopen a permanent spousal support order where it has not retained jurisdiction upon a showing of changed circumstances.	II	
AB 755	Kuehl	1995	Oppose	Requires the court to consider not only the nature and amount of contact with both parents, but also whether one parent has been the primary caretaker of the child when determining the best interests of the child in a custody matter.	II	
AB 999	Harvey	1996	Oppose	Creates a preference for joint custody in child custody matters.	II	
SB 384	Haynes	1995	Oppose	Requires court to receive substantial independent corroboration before considering a history of abuse by one parent against child or other parent when determining best interests. States that there is no	II	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				preference in custody matters for primary custodian. States that court shall not consider gender as relevant in custody determinations.		

D. DOMESTIC VIOLENCE

The council supports efforts to improve court procedures in domestic violence cases, and the way courts review allegations of domestic violence in family law proceedings. The council also supports measures that seek to simplify the process for obtaining a restraining order, and the process for making it enforceable.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 1627	Kuehl	2002	Support	Clarifies procedures for entry of service of process for DVPA orders into DVROS by requiring the court to either enter the information into DVROS directly, or transmit proof of service to law enforcement for entry within one business day.	IV	
SB 1780	Escutia	2002	Oppose unless funded	Requires the court to provide interpreters for specified parties in family law proceedings involving allegations of domestic violence at court expense.	I, IV	
SB 218	Solis	1999	Support if funded	Requires the JC to prepare information sheets in languages other than English regarding domestic violence protective orders as well as translations of the domestic violence restraining order forms.	I, IV	
AB 356	Figueroa	1997	Support	Requires one form only for non-emergency DVPA protective orders.	I, IV	
SB 564	Solis	1997	Support	Allows the court to make custody and visitation orders in DVPA actions where the parties are unmarried.	II, IV	
AB 233	Kuehl	1995	Support	Adds criminal court protective orders, and protective orders issued in other states to list of orders included in DVROS. Requires that information on custody and visitation issues addressed in the orders be transmitted to DVROS.	IV	
SB 982	Solis	1995	Support	Requires interpreters be provided in specified family law matters where a protective order has been or is being sought. Contingent on availability of non-state funding to implement.	I, IV	

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E. CONSERVATORSHIP AND PROBATE LAW

The council supports clarification of conservators' duties and formulation of guidelines about conservatorship.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1784	Harman	2002	Support	Implements the recommendations of the California Law Revision Commission for clarification of Probate Code provisions regarding the construction of trusts and other instruments.	III	

V. MISCELLANEOUS

AB 1095	Corbett	2003	Co-sponsor	Requires the Judicial Council to establish a task force on county law libraries.	I	
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